



COMMONWEALTH of VIRGINIA

Department for the Aging

Julie Christopher, Commissioner

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Note: The web addresses (links) in this document may change over time. The Department for the Aging does not attempt to refresh the links once the week has passed. However, this document is maintained on the web for a period of time as a reference. Some links may require registration.

COMMONWEALTH of VIRGINIA
Department for the Aging
Julie Christopher, Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen M. Nau

DATE: May 16, 2006

SUBJECT: Baby Boomer News – Transforming Long-Term Care

The Commonwealth Fund is featuring a slide show, video overview and article about culture change in Long-Term Care residences. To access the information, contact the organizations' website: <http://www.cmf.org>. Go to the publication section and locate ***Transforming Long-Term Care: Giving Residents a Place to Call Home.***

During the last ten years, the idea of resident-centered care practices in nursing homes has grown in acceptance. Resident-centered care seeks to enhance the quality of life for nursing home residents and uphold their rights. Supporters of resident centered facilities hope that these types of nursing homes will be more appealing to baby boomers who started turning 60 this year.

In the culture change models, greater control is given to “frontline” workers such as nursing aides and household staff as well as to residents and their families. The nursing home is divided into “neighborhoods” and small “households” with their own names, kitchens and living room. Residents are given more choice over such matters as when to eat, sleep etc. A variety of current nursing home resident centered programs are cited in the Commonwealth Fund article and accompanying video.

COMMONWEALTH of VIRGINIA
Department for the Aging
Julie Christopher, Commissioner

MEMORANDUM

TO: Directors,
Area Agencies on Aging

FROM: Bill Peterson,
Deputy Commissioner for Programs

DATE: May 16, 2006

SUBJECT: New Tennant Third Party Notification Law

The third party notice bill (SB 427) passed the General Assembly this last session and will go into effect July 1, 2006. A copy of the bill is attached. Since the bill requires the tenant to make a request to the landlord to send copies of notices to a third party, it is important that our network get the word out to tenants so they are aware of the new law and know how to select a third party. I am also attaching a brief article on the third party notice law that appears on the SeniorNavigator web site.

Please call **Kathy Prior** at the *Virginia Poverty Law Center* (804-782-9430) if you have any questions about the third party notice provision. I also want to acknowledge the work that Kathy and her work group did to assure the passage of this bill.

Attachments

CHAPTER 491

An Act to amend and reenact § [55-248.9:1](#) of the Code of Virginia, relating to Virginia Residential Landlord Tenant Act; confidentiality of tenant records.

[S 427]

Approved March 31, 2006

Be it enacted by the General Assembly of Virginia:

1. That § [55-248.9:1](#) of the Code of Virginia is amended and reenacted as follows:

§ [55-248.9:1](#). Confidentiality of tenant records.

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § [2.2-3701](#);
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or, termination notice given to the tenant under § [55-248.31](#) and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties; or
6. The information is otherwise provided in the case of an emergency.

B. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § [8.01-126](#) and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § [8.01-126](#) or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

As of July 1st, most Virginia tenants will have a new option available to them. They will be able to designate a third party to receive duplicate copies of notices from the landlord as well as copies of any unlawful detainers (an unlawful detainer is a paper filed in court by the landlord to begin the eviction process). A third party could be a family member, a close friend, or possibly a case manager or social service agency. If the tenant designates such a person, then the landlord will be required to send notices of problems to that person as well as to the tenant himself. The hope is that this new option will be particularly helpful to elderly or disabled tenants who might occasionally need help remembering to pay the rent or who might be in and out of the hospital and therefore unable to pay the rent when it comes due. The third party notice ensures that someone besides the tenant is made aware of any problems under the lease—including not only rent, but also any other violations of the lease—so that the third party can get involved to correct the problem early in the process before the landlord begins eviction proceedings. Since the designated third party should also receive copies of an unlawful detainer filed by the landlord, he or she could also intervene at that stage to try to resolve problems before the tenant is faced with eviction.

The third party will not be legally liable for the tenant's rent or for any other problems under the lease. The third party will not have any legal obligation to do anything. Hopefully, however, the tenant will choose someone who is concerned about the tenant's welfare and who will want to help get problems corrected before it's too late. It is important that the tenant choose someone who will pay attention if they receive a copy of a notice from a landlord about a problem and who will make every effort to work with the tenant to promptly resolve any problems with the landlord. The tenant should talk to the person in advance to be sure he or she is willing to receive the notices.

If you are a tenant who is interested in designating a third party, contact your landlord in late June or soon after July 1st to give him or her the name, address and phone number of the person you want to name to receive copies of the notices. Since this is a new law, landlords may not be aware of it yet, so you may need to educate your landlord about the new provision. Tell your landlord this is a new law found at Virginia Code § 55-248.9:1.B, which goes into effect on July 1st. Even if you do not think you need assistance now, consider naming a close family member or friend so that the landlord has a contact should problems arise down the road. You never know when you may need help and it is best to have named someone and have this designation already in place before you run into problems and need help. If you are a concerned family member or friend who knows someone who could benefit from the third party designation, please talk with the tenant about this option now and encourage the tenant to contact the landlord to designate a third party.

Because this is an option for tenants, but not something a tenant is required to do, the tenant must take the first step by notifying the landlord if he wants to designate a third party and by giving the landlord the name, address and phone number of the designated person or agency. Nothing will happen unless the tenant contacts the landlord with the name and address of the designated third party so that the landlord knows to whom to send the duplicate notices.

If you have questions about the third party option, call your local legal aid office.

COMMONWEALTH of VIRGINIA
Department for the Aging
Julie Christopher, Commissioner

MEMORANDUM

TO: Directors,
Area Agencies on Aging

FROM: Bill Peterson,
Deputy Commissioner for Programs

DATE: May 16, 2006

**SUBJECT: GOVERNOR KAINE ANNOUNCES SPANISH LANGUAGE INTERNET
RESOURCE FOR HEALTH CARE PROVIDERS AND CONSUMERS**

Attached is a news release from the Governor's Office announcing the launch of the Virginia Department of Health's (VDH) new Cultural and Linguistic Appropriate Standards, or CLAS Act, Internet site. The site is designed to assist health care providers in delivering culturally competent care for their limited English speaking patients.

The site offers a comprehensive resource for culturally and linguistically appropriate health care resources. According to VDH, improvements in communication will lead to better health outcomes, greater patient satisfaction, and a decrease in the cost of health care due to delays in accessing basic preventive care. Medical errors and inefficiencies due to compromised comprehension will also be minimized by enhanced communication abilities.

For more information on the CLAS Act Virginia Web site, visit:
<http://CLASActVirginia.vdh.virginia.gov>.

Attachment

COMMONWEALTH OF VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

FOR IMMEDIATE RELEASE
May 9, 2006

Contact: Kevin Hall
Phone: (804) 225-4260
Cell Phone: (804) 393-9406
Internet: www.governor.virginia.gov

Julia Anderson/VDH
(804) 864-7024

<http://CLASActVirginia.vdh.virginia.gov>.

GOVERNOR KAINE ANNOUNCES SPANISH LANGUAGE INTERNET RESOURCE FOR HEALTH CARE PROVIDERS AND CONSUMERS

~ Ultimately, site will accommodate 24 additional foreign languages ~

RICHMOND - Governor Timothy M. Kaine today announced the launch of the Virginia Department of Health's (VDH) new Cultural and Linguistic Appropriate Standards, or CLAS Act, Internet site. The site is designed to assist health care providers in delivering culturally competent care for their limited English proficient patients.

It contains many commonly used phrases in the clinical setting, their Spanish translations, and audio files where listeners can practice correctly pronouncing these phrases. Over time, as many as 24 additional languages will be added.

"The CLAS Act Web site is a great tool for Virginia residents that require language assistance in order to receive the best care possible," said Governor Kaine. "It should be emphasized, however, that the site is a tool and not a replacement for regular interaction with doctors and other medical professionals. This is another important step for giving Virginia's health care community the proper resources that it requires to provide the necessary services to the entire Commonwealth."

VDH's Office of Health Policy and Planning (OHPP) also will release a CLAS Act Resource Directory, identifying successful programs and resources for health providers to improve their ability to deliver core health care services to limited English proficiency patients.

"The OHPP is proud to support Governor Kaine and are proud of his leadership on this critical issue," said Kathy Wibberly from OHPP. "We have worked with various statewide partners, like the Sharpe Community Scholars at the College of William and Mary, to improve health care providers' ability to communicate more effectively with Virginia's culturally and linguistically diverse communities in order to ensure that patients are receiving the best available care."

The OHPP created the site to offer a comprehensive resource for culturally and linguistically appropriate health care resources. According to VDH, improvements in

communication will lead to better health outcomes, greater patient satisfaction, and a decrease in the cost of health care due to delays in accessing basic preventive care. Medical errors and inefficiencies due to compromised comprehension will also be minimized by enhanced communication abilities.

For more information on the CLAS Act Virginia Web site, visit:
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Examples of CLAS Act Web site resources:

- A listing of multicultural health and human service programs in Virginia
 - Commonly used clinical phrases in English and Spanish - a new feature that will be coming soon are audio files of these phrases in Spanish.
 - Guidance on how to translate materials and use interpreters effectively.
 - Where to access translated health education materials.
 - Virginia studies and reports on immigrants, refugees, and their health care needs.
 - Upcoming events such as conferences and training related to culturally and linguistically appropriate health care.
- In addition to the Web site, a guidebook called *Community Health with CLAS* was created by the Sharpe Community Scholars at the College of William and Mary. The guidebook serves as a resource for practitioners and community health leaders in delivering culturally competent care to this population.

Other Facts

- May is National Asian Pacific American Heritage Month. Between 1990 and 2000, the Asian population in Virginia grew by two-thirds, and the Hispanic population more than doubled.
- According to the 2000 Virginia Census, 11 percent of Virginia residents over age five speak a primary language other than English. Of this population:
 - 41% speak English "less than very well"
 - 21% live in "linguistically isolated households" (households where no member 14 years old and over speaks "only English" or ...speaks English "very well")
 - These individuals would be considered limited English proficient (LEP) in the health care context

- Virginia is among the top 15 states for refugee resettlement, the top 10 states with the largest immigrant resident population, and the top 10 states for intended residence of new arrivals.
- Between 2000 and 2004, the number of students receiving English as a Second Language (ESL) through Virginia public schools increased by 82 percent (from 36,799 to 66,970)
- Impact of demographic changes on healthcare:
 - Patients who needed but didn't get interpreters (in comparison to those who had an interpreter):
 - Over 27% did NOT understand medication instructions as compared with 2%
 - Only 45% experienced the facility as "open and accepting" as compared with 74%
 - Over 32% said they would NOT use the facility if they became insured as compared with 10%

(Access Project 2002 Study findings)
 - VDH initiated a statewide research project aimed at identifying the healthcare needs of Virginia's racial and ethnic populations in 2000. Focus groups comprised of Virginia's multicultural healthcare consumers found that most needed an interpreter for their clinic visits and of those who needed an interpreter:
 - 54.4% Used family and friends
 - 13.6% Used bilingual volunteers
 - 12.1% Used bilingual medical staff
 - 8.4% Knew enough English to "get by"
 - 7.5% Used nonprofessional staff
 - 3.0% Used professional medical interpreters
 - According to a 2003 study, errors in medical interpretation are common, averaging 31 per clinical encounter, with omissions as the most frequent type. Most errors have potential clinical consequences, and those committed by ad hoc interpreters are significantly more likely to have potential clinical consequences than those committed by trained medical interpreters

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